

REMARKS

Claims 1-5, 7-15, 20-28, 30-32 35-38, 42-44, and 47-59 remain pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1, 2, 4, 5, and 7 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Publication No. 2001/0020174 ("Koblish"). Applicant respectfully traverses this rejection, since Koblish does not disclose each and every element required by these claims, as amended.

While Applicant appreciates the Examiner's suggestion to file a Rule 1.131 or Rule 1.132 affidavit to remove Koblish as a §102(e) prior art reference, it is believed that Koblish is actually a §102(b) prior art reference, which cannot be removed via an affidavit. Instead, independent claim 1 has been amended to clarify that the lumen slidably receives the inner elongate probe body in a manner that allows it to move independently of the distal ablative structure, which is not disclosed in Koblish. In particular, to the extent that it is an inner elongate probe body, the stylet 24 of Koblish is not disclosed as moving independently from the distal ablative structure 18. In fact, the stylet 24 is designed to move the distal ablative structure 18 when the stylet 24 is pushed or pulled.

Thus, Applicant submits that independent claim 1, as well as the claims depending therefrom (2, 4, 5, and 7), are not anticipated by Koblish, and as such, respectfully request withdrawal of the §102 rejection of these claims.

Allowable Subject Matter

Applicant graciously acknowledges the allowance of claims 8-12, 14, 15, 20-28, 30-32, 35-38, 42-44, and 47-59.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: March 12, 2007

By: 

Michael J. Bolan
Reg. No. 42,338

Customer No. 23410
Vista IP Law Group LLP
2040 Main Street, 9th Floor
Irvine, CA 92614